

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMIE D MCKINNEY
Claimant

APPEAL 20A-DUA-00494-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20
Claimant: Appellant (4)**

PL 116-136, Sec. 2012 – Federal Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

Claimant filed an appeal from the Iowa Workforce Development decision dated September 24, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on November 18, 2020, at 1:30 p.m. Claimant participated in the hearing. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is eligible for Pandemic Unemployment Assistance.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began her employment as a part-time worker at Varsity Cleaners in Iowa City, Iowa in October 2019. On March 18, 2020, employer closed due to Covid-19. When employer reopened at the end of July 2020, claimant did not return to work because she was afraid of contracting Covid-19. While claimant has a compromised immune system, she has not been advised by a physician that she needed to self-quarantine.

Claimant applied for unemployment insurance benefits effective March 22, 2020. Claimant is not eligible for regular unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, Sec. 2102 provides for unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19.

The issue to be determined here is whether claimant is a “covered individual” who is eligible to receive benefits within the meaning of applicable law.

Section 2102 of the CARES Act describes a covered individual as follows:

(3) COVERED INDIVIDUAL.—The term “covered individual”—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107; and

(ii) provides self-certification that the individual—

(l) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because—

(aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(bb) a member of the individual’s household has been diagnosed with COVID–19;

(cc) the individual is providing care for a family member or a member of the individual’s household who has been diagnosed with COVID–19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;

(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID–19 public health emergency;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;

(ii) the individual has to quit his or her job as a direct result of COVID-19;

(jj) the individual's place of employment is closed as a direct result of the COVID-19 public health emergency; or

(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or

(ll) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107 and meets the requirements of subclause (l); and

(B) does not include—

(i) an individual who has the ability to telework with pay; or

(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(l).

The United States Code authorizes the Secretary of the United States Department of Labor to enter into agreements with states to administer Pandemic Unemployment Assistance (PUA) benefits under the CARES Act. PL 116-136, Sec. 2102(f). The United States Department of Labor has issued operating instructions to states in implementing section 2102 of the CARES Act. Iowa Code § 96.11 mandates that Iowa Workforce Development “shall cooperate with the United States department of labor to the fullest extent consistent with the provisions of this chapter. . .” When implementing section 2102, the operating instructions direct states to first consult section 2102 of the CARES Act and then the operating instructions. When both are silent, states should refer to section 625 of title 20, Code of Federal Regulations. When consulting the regulations, the term “COVID-19 public health emergency” is to be substituted for the term “major disaster” and the term “pandemic is to be substituted for the term “disaster.”

In this case, claimant's place of employment closed as a direct result of Covid-19 from March 18, 2020 through July 31, 2020. Therefore, claimant meets the eligibility requirements of subparagraph (jj) above and is eligible for benefits from March 18, 2020 through July 31, 2020.

When claimant's employer reopened effective August 1, 2020, claimant did not return to work due to her general fear or anxiety of contracting Covid-19.

The Department of Labor addressed claimant's situation with the following guidance: “Without having been advised by a health care provider to self-quarantine, and individual who does not go to work due to general concerns about exposure to Covid-19, and who does not meet any of

the other Covid-related criteria for PUA, is not eligible for PUA.” See UIPL No. 16-20, Change 1, page I-10.

Because claimant was not advised by a health care provider to self-quarantine, she does not meet the requirements of subparagraph (ff) above. Effective August 1, 2020, claimant does not meet any of the eligibility requirements outlined above and, thus, does not qualify for PUA benefits.

DECISION:

The Iowa Workforce Development decision dated September 24, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of appellant. Claimant is eligible for PUA from March 18, 2020 until July 31, 2020, because she meets the requirements of subparagraph (jj) above for that period of time. Effective August 1, 2020, claimant does not meet any of the requirements outlined above and, thus, is not eligible for benefits.



Adrienne C. Williamson
Administrative Law Judge
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December 3, 2020
Decision Dated and Mailed

acw/mh